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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,267	09/09/2003	Tung Choi Cheng	500Illustration	3292
31573	7590	08/22/2006	EXAMINER	
CYM GRAPHICS INC. 1271 DENISON ST., UNIT 47 MARKHAM, ON L3R 4B5 CANADA			BAHTA, KIDEST	
			ART UNIT	PAPER NUMBER
			2125	

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/657,267

Applicant(s)

CHENG, TUNG CHOI

Examiner

Kidest Bahta

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 9-11 is/are rejected.
- 7) ☐ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5 and 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Glandnick et al. (US 2004/0223053).

Regarding claim 1, Glandnick discloses that an illustration system for capturing images to provide a standardized procedure for production using a computer-controlled machine, comprising of: an image capturing software which means a program integrated on the navigator software, said program provides a graphic user interface on the monitor of a machine computer, said image capturing software contains different dialogue boxes to display images [0052]; a navigator software which means a program executed by said machine computer, said program provides a graphics user interface on said monitor on said machine computer ([0071], [0080], [0089]); an image device for transmitting image information to said image capturing interface for display on said monitor on said machine computer by connecting to said navigator software ([0049]); a control system means a device that communicate between said computer-controlled machine and said navigator software of said machine computer ([0048]).

Regarding claim 2, 4-5, Glandnick discloses receive, continuously, images and then display them on dialogue box 1, which provides a monitoring of motion activity (Fig. 2, element 143a); display captured images on the dialogue box 2 by clicking on a snap button to capture an image from said dialogue box 1 (Fig. 2, element 143M); accept additional clicks on said snap button to capture new images which replace the previous images and are displayed on said dialogue box 2 ([0037]); point to said captured image on said dialogue box 2 then pressing down the mouse button of said machine computer to drag and drop said captured image to the dialogue box 3 of said navigator software ([0037]).

Regarding claims 9-11, Glandnick discloses the image device means a digital camera with a housing that includes moveable arm that can bend and turn in different directions and stand with a permanent magnetic base which can form a magnetic relationship with the surface of said computer- controlled machine (12); the control system having *at least of one* pair of MCUS (micro control units) for receiving position signal from measuring device and outputting the signal to the motor control movement on one axis, A PLD (programmable logic device) organizes all imputing and outputting signals and commands from/to said MCUS, said navigator software, said computer- controlled machine and said machine computer (Fig. 2). the one axis means one direction either of longitude, latitude or altitude of relative to the machine movement ([0061], [0062]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Glandnick et al. (US 2004/0223053) in view of Popp et al. (US 2005/0043841).

Regarding claim 3, Gladnick discloses the limitations of claim 1, as stated above par. 1, but Gladnick does not disclose the limitations of claim 3. However, Popp discloses the image capturing software integrating with the server via network and receiving information from/to the control system (Fig. 9, [0130]).

It would have been obvious to a person of ordinary skill in the art at the time of invention was made to modify the teachings of Glandnick with the teachings of Popp since machine vision inspection systems provide an ability to detect substantially all points on all products produced, and allow for image processing of the detected points.

Allowable Subject Matter

5. Claims 6-8 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed Kidest Bahta whose telephone number is 571-272-3737.

The examiner can normally be reached on Monday - Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application information Retrieval IPAIRI system. Status information for published applications may be obtained from either Private PMR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAG system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kidest Bahta
Primary Examiner
AU 2125

8/16/06